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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND BRANCH

UNITED STATES OF AMERICA,)	No. CR 09-00812 SBA
)	
Plaintiff,)	
)	
v.)	STIPULATION AND
)	ORDER TO CONTINUE STATUS
)	CONFERENCE TO FEBRUARY 2,
MCCORL GILMORE, JR.,)	2010
aka Guy Leon McClay,)	
)	
)	
Defendant.)	

The above-captioned matter is set on January 12, 2010 before this Court for status conference. The parties request that this Court vacate that date and set this matter for status conference on February 2, 2010 at 9:00 a.m., and that the Court exclude time under the Speedy Trial Act between the date of this stipulation and January 12, 2010. The parties stipulate that the time is excludable from the time limitations of the Speedy Trial Act because the interests of justice are served by granting a continuance, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

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Such continuance is required because the parties need to research the potential consequences of Mr. Gilmore's prior criminal convictions as they relate to the career offender provisions of the Sentencing Guidelines, and the potential applicability of other sentencing enhancements under 18 U.S.C. § 3559. Additionally, government counsel will be out of the district for training the week of January 25 through 29, 2010, and defense counsel is unavailable for a hearing on January 26, 2010. This continuance will allow the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

As such, the parties respectfully request that the time between January 12, 2010 and February 2, 2010 be excluded under U.S.C. § 3161(h)(7)(A) and (B)(iv).

DATED: January 12, 2010

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

/s/ Christina McCall
CHRISTINA McCALL
Assistant United States Attorney

/s/ J. Frank McCabe
J. FRANK McCABE
Attorney for McCorl Gilmore, Jr.

ORDER

Based on the reason provided in the stipulation of the parties above, the Court hereby FINDS that for adequate preparation of the case by all parties, and in the interest of justice, pursuant to 18 U.S.C. sections 3161(h)(7)(A) and (B)(iv), an exclusion of time is warranted under the Speedy Trial Act. Based on these findings, IT IS HEREBY ORDERED THAT the hearing is continued until February 2, 2010 at 9:00 a.m., and time is excluded until February 2, 2010.

IT IS SO ORDERED.

DATED: 1/11/10

Saundra B. Armstrong
SAUNDRA BROWN ARMSTRONG
United States District Judge

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